

House Study Bill 166 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON KOESTER)

A BILL FOR

1 An Act relating to county recorder duties and fees.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.602, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. Carry out duties relating to access
4 to online electronic services, including participation and
5 compliance with the policies and procedures established by the
6 governing board of the county land record information system
7 pursuant to section 331.604, subsection 3, and including but
8 not limited to the policies, procedures, and duties specified
9 in this section and section 331.603.

10 Sec. 2. Section 331.604, subsection 3, paragraphs a, b, and
11 d, Code 2015, are amended to read as follows:

12 a. Each county shall participate in the county land record
13 information system and shall comply with the policies and
14 procedures established by the governing board of the county
15 land record information system, which participation shall be
16 established pursuant to an agreement entered into under chapter
17 28E by all counties in this state.

18 b. (1) ~~For the period beginning July 1, 2004, and ending~~
19 ~~June 30, 2009, the~~ The county recorder shall also collect a
20 fee of ~~one dollar~~ two dollars for each recorded transaction,
21 regardless of the number of pages, for which a fee is paid
22 pursuant to subsection 1 to be used for the ~~purpose set forth~~
23 ~~in paragraph "d".~~

24 ~~(2) For the period beginning July 1, 2009, and ending~~
25 ~~June 30, 2011, the recorder shall also collect a fee of three~~
26 ~~dollars for each recorded transaction, regardless of the number~~
27 ~~of pages, for which a fee is paid pursuant to subsection 1 to be~~
28 ~~used for the following purposes:~~

29 (a) Maintaining the statewide internet site and the county
30 land record information system.

31 (b) Integrating information contained in documents and
32 records maintained by the recorder and other land record
33 information from other sources with the county land record
34 information system.

35 (c) Implementing and maintaining a process for redacting

1 personally identifiable information contained in electronic
2 documents that are displayed for public access through an
3 internet site or that are transferred to another person.

4 ~~{3} Beginning July 1, 2011, the recorder shall also collect~~
5 ~~a fee of one dollar for each recorded transaction, regardless~~
6 ~~of the number of pages, for which a fee is paid pursuant to~~
7 ~~subsection 1 to be used for the purposes in subparagraph (2)~~
8 ~~and for the following purposes:~~

9 {a} (d) Establishing and implementing standards for
10 recording, processing, and archiving electronic documents and
11 records, including standards for local land records management
12 systems.

13 {b} (e) Expanding access to records by encouraging
14 electronic indexing and scanning of documents and instruments
15 recorded in prior years.

16 ~~{4} Notwithstanding subparagraph (2), the fee collected~~
17 ~~by the recorder under this subsection for recording a plat of~~
18 ~~survey is one dollar, regardless of the number of pages. For~~
19 ~~purposes of this subparagraph, "plat of survey" means the same~~
20 ~~as defined in section 355.1, subsection 9.~~

21 ~~{5} (2)~~ Fees collected in excess of the amount needed
22 for the purposes specified in this subsection shall be used
23 by the county land record information system to reduce or
24 eliminate service fees for electronic submission of documents
25 and instruments as described in section 331.605B.

26 d. The local government electronic transaction fund is
27 established in the office of the treasurer of state under the
28 control of the treasurer of state. Moneys deposited into the
29 fund are not subject to section 8.33. Notwithstanding section
30 12C.7, interest or earnings on moneys in the local government
31 electronic transaction fund shall be credited to the fund.
32 Moneys in the local government electronic transaction fund
33 are not subject to transfer, appropriation, or reversion to
34 any other fund, or any other use except as provided in this
35 subsection. On a monthly basis, the county treasurer shall

1 pay the fees deposited into the county recorder's electronic
2 transaction fund to the treasurer of state for deposit into
3 the local government electronic transaction fund. Moneys
4 credited to the local government electronic transaction fund
5 are appropriated to the treasurer of state for the payment
6 of claims approved by the governing board of the county land
7 record information system. ~~Except as otherwise provided in~~
8 ~~this subsection, expenditures from the fund shall be for the~~
9 ~~purpose of planning and implementing electronic recording and~~
10 ~~electronic transactions in each county, developing county~~
11 ~~and statewide internet sites to provide electronic access~~
12 ~~to records and information, and to pay the ongoing costs of~~
13 ~~integrating and maintaining the statewide internet site.~~

14 Sec. 3. Section 331.605B, subsection 2, Code 2015, is
15 amended to read as follows:

16 2. A recorder or the governing board of the county land
17 record information system shall collect only statutorily
18 authorized fees for land records management. A recorder or the
19 governing board of the county land record information system
20 shall not collect a fee for viewing, accessing, or printing
21 documents in the county land record information system unless
22 specifically authorized by statute. ~~However, a~~ A recorder
23 or the governing board of the county land record information
24 system may collect a fee for service relating to the electronic
25 submission of documents for recording. A recorder or the
26 governing board of the county land record information system
27 may collect actual third-party fees associated with accepting
28 and processing statutorily authorized fees, including credit
29 card fees, treasury management fees, and other transaction and
30 service fees required to enable or manage electronic payment.
31 However, for the period beginning July 1, 2015, and ending
32 June 30, 2018, a recorder or the governing board of the county
33 land record information system shall not collect a fee for
34 electronic submission or third-party fees from a customer who
35 makes payment through an automated clearing house payment

1 system. Beginning July 1, 2018, a recorder or the governing
2 board of the county land record information system may collect
3 a fee for electronic submission of a document and third-party
4 fees from a customer who makes payment through an automated
5 clearing house payment system, but such a fee shall not exceed
6 fifty cents per document. For the purposes of this subsection,
7 the term "*third-party*" does not include the county land record
8 information system, the Iowa state association of counties, or
9 any of the association's affiliates.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to county recorder duties and fees.

14 The bill requires county recorders to carry out duties
15 relating to access to online electronic services in accordance
16 with policies and procedures established by the governing board
17 of the county land record information system, and including but
18 not limited to the current statutory policies, procedures, and
19 duties relating to land records.

20 The bill provides that participation in the county land
21 record information system shall be established pursuant to
22 an agreement entered into by all counties in this state and
23 makes changes to what constitutes allowable expenditures
24 from the local government electronic transaction fund. The
25 bill requires that the county recorder collect a \$2 fee for
26 each recorded transaction to be used for purposes currently
27 specified in statute. Under current law, the fee is set at \$1.
28 The bill also specifies an additional allowable use of such
29 fees, for establishing and implementing standards for local
30 land records management systems.

31 Under current law, a county recorder or the governing board
32 of the county land record information system is authorized to
33 collect any actual third-party fees associated with accepting
34 and processing payment of fees the recorder or system is
35 authorized to collect. The bill, however, prohibits a recorder

1 or the governing board of the county land record information
2 system from collecting a fee for electronic submission or
3 third-party fees from a customer who makes payment through an
4 automated clearing house payment system during the period from
5 July 1, 2015, through June 30, 2018. The bill also provides
6 that beginning July 1, 2018, a recorder or the governing board
7 of the county land record information system may collect a fee
8 for electronic submission and third-party fees from a customer
9 who makes payment through an automated clearing house payment
10 system, but the bill provides that such a fee shall not exceed
11 50 cents per document.